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FACSIMILE TRANSMITTAL COVER SHEET

DATE: 10/18/04 ATTORNEY DOCKET NUMBER: KCC 4788
PTO FACSIMILE NUMBER: (703) 872-9306PLEASE DELIVER THIS FACSIMILE TO: Examiner Elizabeth M. Cole
THIS FACSIMILE IS BEING SENT BY: Laura Hilmert / T. Spencer
NUMBER OF PAGES: 3 INCLUDING COVER SHEETTIME SENT: 3³⁰ pm OPERATOR'S NAME _____

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to
the Patent and Trademark Office on the date shown below.Tina Spencer
Typed or printed name of person signing certificationTina Spencer 10/18/04
Signature DateType of paper transmitted: Notice of Appeal / Fee TransmittalApplicant's Name: David W. Koenig, et al.Serial No. (Control No.): 10/029,322 Examiner: ColeFiling Date: December 20, 2001 Art Unit: 1771Application Title: PRODUCTS FOR CONTROLLING MICROBIAL GENERATED
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KCC 4788 (K-C 15,397)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of David W. Koenig, et al. Art Unit 1771
Serial No. 10/029,322
Filed December 20, 2001
Confirmation No. 6145
For PRODUCTS FOR CONTROLLING MICROBIAL GENERATED ODORS
Examiner Elizabeth M. Cole

October 18, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

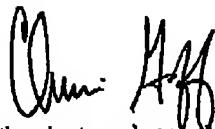
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 5, 2004, rejecting the following claims: 1-6, 9-17, 20-23, 26-28, 31-35, and 38.

The Commissioner is hereby authorized to charge Deposit Account No. 19-1345 the appeal fee of \$340.00. If there are any additional charges in this matter, please also charge Deposit Account No. 19-1345.

Respectfully Submitted,



Christopher M. Goff, Reg. No. 41,785
Senniger Powers
One Metropolitan Square, 16th Floor
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314-231-5400

CMG/LJH/cms

FEE TRANSMITTAL

Application Number 10/029,322
Filing Date December 20, 2001
Confirmation No. 6145
Inventor(s) David W. Koenig, et al.
Group Art Unit 1771
Examiner Name Cole
Attorney Docket Number KCC 4788 (K-C No. 15,397)

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
- The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
- Applicant claims small entity status.

2. Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. **BASIC FILING FEE** Subtotal (1) \$ _____
(Type: _____)

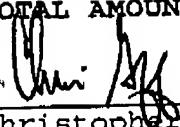
2. **EXTRA CLAIM FEES** Subtotal (2) \$ _____

Total Claims _____
Independent Claims _____
Multiple Dependent Claims _____

3. **ADDITIONAL FEES** Subtotal (3) \$ 340.00

- Surcharge - late filing fee or oath
- Surcharge - late provisional filing fee or cover sheet
- Extension for reply within _____ month
- Notice of Appeal
- Filing a Brief in Support of an appeal
- Request for ex parte Reexamination
- Petitions to the Commissioner
- Submission of Information Disclosure Statement
- Recording each patent assignment per property
- Request for Continued Examination
- Other: _____

TOTAL AMOUNT OF PAYMENT \$ 340.00


Christopher M. Goff, Reg. No. 41,785

10/18/04
Date

CMG/LJH/cms